



1 herein, the Parties agree that no changes should be made in the limitations of discovery imposed  
2 under the Federal Rules of Civil Procedure or by local rule.

3 The parties now submit their proposed discovery plan and scheduling order in  
4 compliance with LR 26-1(b).

- 5 1. Discovery Cut-Off Date. The first defendant answered or otherwise appeared on  
6 **November 3, 2023**. The discovery cut-off date is **November 3, 2024**. **The Parties**  
7 **have requested a discovery period of one year due to the unique needs of**  
8 **litigation under the Americans With Disabilities Act. Specifically, any**  
9 **remediation work addressing the ADA violations claimed in Plaintiff's**  
10 **complaint will take time to perform. Because remediation work is a regular part**  
11 **of settling ADA cases, the Parties do not believe that a standard six-month**  
12 **discovery period will suffice to provide sufficient time to settle the instant case**  
13 **before trial.**
- 14 2. Amending the Pleadings and Adding Parties. The deadline to amend the pleadings  
15 and add parties is **August 5, 2024**.
- 16 3. Expert and Rebuttal-Expert Disclosures. The deadline to disclose experts is  
17 **September 4, 2024**. The deadline to disclose rebuttal experts is **October 4, 2024**.
- 18 4. Dispositive Motions. The deadline to file dispositive motions is **November 4, 2024**.
- 19 5. Pretrial Order. The deadline to file a pretrial order is **December 4, 2024**.
- 20 6. Fed. R. Civ. P. 26(a)(3). The disclosures required by this rule and any objections to  
21 them must be included in the joint pretrial order.
- 22 7. Alternative Dispute Resolution. The parties certify that they met and conferred about  
23 the possibility of using alternative dispute-resolution processes including mediation,  
24 arbitration, and if applicable, early neutral evaluation. Although the Parties do not  
believe that alternative dispute resolution is appropriate at the current time, the Parties  
remain open to ADR at some future time.
8. Alternative Forms of Case Disposition. The parties certify that they considered  
consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P.

73 and the use of the Short Trial Program (General Order 2013-01). The Parties do not consent to trial by magistrate judge or the use of the Short Trial Program.

9. Electronic Evidence. The parties certify that they discussed whether to present evidence in electronic format to jurors for the purpose of jury deliberations. Counsel for the parties agree that evidence may be presented in an electronic format. The Parties currently have no stipulations regarding such evidence.

10. Later Appearing Parties: A copy of this discovery plan and scheduling order shall be served on any person served after it is entered or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later appearing parties, unless a stipulation of the parties is approved by the Court or the Court, on motion for good cause, orders otherwise.

11. Extensions or Modifications of the Discovery Plan and Scheduling Order. Pursuant to LR 26-3, a motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order, must in addition to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for the extension; be received by the court no later than twenty-one (21) days before the expiration of the subject deadline; and any request within twenty-one (21) days of the subject deadline must be supported by a showing of good cause. Any request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect. The motion or stipulation to extend a discovery deadline or to reopen discovery must include:

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- a. A statement specifying the discovery completed;
- b. A specific description of the discovery that remains to be completed;
- c. The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- d. A proposed schedule for completing all remaining discovery.

**IT IS SO STIPULATED**

DATED this 4 day of January 2024

DATED this 4 day of January 2024

By: /s/ David N. Salmon  
DAVID N. SALMON, ESQ.  
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*Attorney for Plaintiff*

By: /s/ John Gormley  
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Telephone: (702) 384-4012  
*Attorneys for Defendant*

**IT IS SO ORDERED**

  
United States Magistrate Judge  
Dated: 1-12-2024



RE: Eddins vs Store Master Funding III

Marcy Winchell <mwinchell@ocgas.com>

Wed 1/3/2024 4:54 PM

To: Sheila Sneed <ssneed@dsalmonlaw.com>

Cc: Marcy Winchell <mwinchell@ocgas.com>

Sheila,

Sorry for the delay you may affix Mr. Gormley signature.

**Marcy L Winchell**

**Legal Assistant to John Gormley, Esq.**

**Olson Cannon Gormley & Stoberski**

**9950 West Cheyenne Ave.**

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Marcy

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**From:** Sheila Sneed <ssneed@dsalmonlaw.com>

**Sent:** Wednesday, January 3, 2024 1:47 PM

**To:** Marcy Winchell <mwinchell@ocgas.com>

**Subject:** Re: Eddins vs Store Master Funding III

Marcy: Can you check on the status of the review?

*Sheila R. Sneed*

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